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Environment Department Takes Strong Enforcement Action Following South Valley Spills

(Santa Fe, NM) — Following a series of recent spills in the community, the New Mexico Environment Department (NMED) has issued administrative compliance orders to four South Valley fuel and waste oil facilities. These enforcement actions require the facilities to install spill prevention equipment, protect ground water and the health of local citizens. One order also assesses a civil penalty of \$35,500. Each order also sets a schedule of compliance enforceable by an additional civil penalty of up to \$25,000 for each day of noncompliance with the order.

“Over the years, the South Valley has been unfairly and unfortunately impacted by a number of environmental problems,” said NMED Secretary Ron Curry. “Earlier this month, in a single day, spills of approximately 18,500 gallons of jet fuel and 500 to 2,000 gallons of waste oil became the most recent examples in a long, sad history. I hope that NMED’s actions will send a message to these facilities and others in the South Valley that stronger efforts need to be taken to protect the environment and the health of local citizens.”

The facilities named in the orders are Albuquerque Products Terminal and South Albuquerque Products Terminal, owned and operated by ConocoPhillips Co., Albuquerque Refined Products Terminal, owned and operated by Valero Energy Corp. and a waste oil facility owned and operated by Milt Adams Inc., Approved Oil Storage Inc. and Milt Adams.

The ConocoPhillips and Valero facilities have a history of spills dating from the mid to late 1980’s. The ConocoPhillips tanks had spills of approximately 16,800 gallons of jet fuel in 1990; 16,000 gallons of ethanol in 1990; 4,200 gallons of gasoline in 1996; over 1,000 gallons of fuel in two spills in 1997; 20,000 gallons of diesel in 2001; and up to 40,000 gallons of gasoline in 2003. As a result, the levels of various contaminants, including benzene, xylenes, 1,2-dichloroethane (EDC), and naphthalenes, exceed ground water quality standards set to limit threats to human health.

The Valero tanks had spills of 82,000 gallons of diesel in the 1980’s; 3,900 gallons of turbine oil in 1997; and 1,600 gallons of ethanol in 1999, in addition to the April 6 jet fuel spill. The levels of benzene and EDC at the site exceed ground water quality standards.

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NMED is currently regulating these sites to ensure that ground water contamination is cleaned up.

Also on April 6, between 500 to 2,000 gallons of waste oil was discharged from the Milt Adams site. This oil broke an earthen berm, flowed into a spillway and the South Diversion Channel and reached the Rio Grande.

“These repeat offenses have got to stop,” said Secretary Curry. “I hope that these enforcement actions will act as a strong deterrent. The spill prevention measures mandated by these orders should also help prevent future spills.”

Spill prevention required for the sites includes the installation of secondary containment, spill and overflow equipment and the institution of an operation and maintenance plan that includes regular inspections of each tank. The orders require that these plans be submitted to NMED for approval within 30 days.

The Milt Adams order also includes a civil penalty of \$35,500 for violations of state environmental regulations. While the Valero and ConocoPhillips enforcement actions do not seek civil penalties against the companies, NMED reserve the right to do so in the future, if necessary.

The companies have a right to challenge the orders through a public hearing before the department or to request a settlement conference.

“NMED recently set up a task force to identify and address environmental problems in the South Valley,” said Secretary Curry. “These actions should prove that we are serious about this effort. I look forward to continuing to work with this group of citizens in the coming months on improving the health and environment of Albuquerque’s South Valley.”

For further information contact Jon Goldstein, Communications Director, NMED at (505) 827-0314.

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